

Kristi Cahoon Kelly

From: Pumphrey, Brian E. [bpumphrey@mcguirewoods.com]
Sent: Friday, September 14, 2012 2:50 PM
To: Leonard Bennett
Cc: Kristi Cahoon Kelly; Susan Rotkis; McFarland, Robert W.; Ramana, Anand V.; McMahan, Jeffrey D. Jr
Subject: RE: Orebaugh and Rocabrana -- ACDV Operator Information

I asked the Bank to put me in touch with the two US ACDVs before I sent you the email. I will get back to you on that and your other questions. Thanks.

Brian E. Pumphrey
Partner
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From: Leonard Bennett [mailto:lenbennett@clalegal.com]
Sent: Friday, September 14, 2012 1:48 PM
To: Pumphrey, Brian E.
Cc: Kristi Cahoon Kelly (kkelly@siplfirm.com) (kkelly@siplfirm.com); Susan Rotkis; McFarland, Robert W.; Ramana, Anand V.; McMahan, Jeffrey D. Jr
Subject: Re: Orebaugh and Rocabrana -- ACDV Operator Information

Also - would you like to arrange the deps of your NC employees below, or should we determine their home addresses so that we can serve them at home and at a place and time convenient to Plaintiff's counsel?

Len

On Sep 14, 2012, at 1:40 PM, Pumphrey, Brian E. wrote:

Len, Susan and Kristi,

Following up on our conversation earlier this week, below is a list of the names and addresses of who we believe were the ACDV operators involved in the Orebaugh and Rocabrana matters.

<image004.png>

In addition, Haritha Aitipamula was an ACDV operator who worked on the Orebaugh matter and Kiran Matukmalli was an ACDV operator who worked on both the Orebaugh and Rocabrana matters, but both are no longer employees of Bank of America.



Thanks,
Brian

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On Sep 11, 2012, at 9:39 AM, "Pumphrey, Brian E." <bpumphrey@mcguirewoods.com> wrote:

Len:

We wanted to respond to both of your emails from Saturday. I am sorry I missed your call yesterday, but have been and still am out of the office. I understand you connected with Rob and will be speaking with him today at 3PM.

--The ACDV operators who work in India are Bank of America employees and therefore any contact with them should be through us, as counsel. To the extent you seek to issue subpoenas to them, or otherwise begin the letters rogatory process, we would need to be copied on all such documentation. Our position is that there is no likelihood that any particular ACDV operator will recall any individual dispute, and therefore, depositions of ACDV operators would not be productive, particularly given the costs to both sides and the requirements for how they must be conducted. That said, in the event you do decide to seek these depositions (in Orebaugh and/or Rocabrana), and if the court determines that they are relevant, the Bank will not object to the employees being deposed at the Consulate. We will do our best to get you a list of names and addresses this week.

--We will agree to produce a witness who can speak to the creation and maintenance of policies for conducting FCRA investigations through E-Oscar and we will agree to produce an appropriate witness who administers the system. We are trying to confirm if there is one person who is purely responsible for either; it may be the same person. I am hopeful to confirm the appropriate person(s) for you this week. Please confirm that you are seeking these depositions under Rule 30(b)(1).

--As to Rocabrana, per the agreement that Anand worked out with Kristi last week, we will make Ms. Evans available for a deposition in her individual capacity. She may also be our 30(b)(6) witness, at least as to certain of the topics. We will send you our written objections to your 30(b)(6) topics this week. After we provide our objections to the 30(b)(6) topics, it may make sense to schedule a follow-up meet and confer on this and any remaining document issues following your conference later today with Rob. We are also going to produce, per your request, the person who supervises the operators from the United States.

Let me know if you have any further questions.

Thanks,
Brian

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From: Leonard Bennett [<mailto:lenbennett@clalegal.com>]

Sent: Saturday, September 08, 2012 3:07 PM

To: Leonard Bennett

Cc: Pumphrey, Brian E.; Anthony, David N.; Susan Rotkis; Michael R. Ward; John Montgomery; Kristi Cahoon Kelly; Matthew R Jolson; McMahan, Jeffrey D. Jr; McFarland, Robert W.; Martin Thornthwaite; Vicki Ward

Subject: Re: Orebaugh v. Experian, et al.

Brian -

I am also concerned re: our ethics exposure when we have our Indian co-counsel contact the ACDV operators directly. Would you please confirm whether or not you represent them or if your client otherwise objects to our direct communication with them.

Len

Sent from my iPhone

On Sep 8, 2012, at 1:44 PM, "Leonard Bennett" <lenbennett@clalegal.com> wrote:

Brian -

We would like to schedule the depositions of:

- (a.) the person at BoA most responsible for the creation and maintenance of its procedures for conducting FCRA investigations for disputes received through e-Oscar;
- (b.) the lead e-Oscar account administrator at BoA; and
- (c.) the ACDV operators who conducted the FCRA dispute investigations in this case.

It is my understanding that your client will not agree to bring these individuals to this country from India. Would you also confirm that your client is unwilling to produce them in their capacity as BoA employees at the US Consulate for voluntary depositions? Regardless, would you please provide their full names and addresses so that we may begin the Letter Rogatory process?

I look forward to hearing from you early next week.

Len Bennett

On Sep 6, 2012, at 9:50 AM, Pumphrey, Brian E. wrote:

I'm not sure its feasible to do it today at this point, but we can still be available if that works for everyone. The 10th is the only day I absolutely cannot do it. Not sure where that leaves us.

Brian E. Pumphrey

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From: Anthony, David N. [<mailto:David.Anthony@troutmansanders.com>]

Sent: Thursday, September 06, 2012 9:45 AM

To: Susy Rotkis; Michael R. Ward

Cc: jmontgomery@jwm-law.com; Leonard

Bennett; kkelly@sipfirm.com; mrjolson@jonesday.com; Pumphrey, Brian E.; McMahan, Jeffrey D. Jr; McFarland, Robert W.; Thornthwaite, Martin

Subject: RE: Orebaugh v. Experian, et al.

I can do 9/6 or 9/10.

From: Susy Rotkis [<mailto:srotkis@clalegal.com>]

Sent: Thursday, September 06, 2012 9:22 AM

To: Michael R. Ward

Cc: Anthony, David N.; jmontgomery@jwm-law.com; Leonard

Bennett; kkelly@sipfirm.com; mrjolson@jonesday.com; bpumphrey@mcguirewoods.com; jmc_mahan@mcguirewoods.com; rmcfarland@mcguirewoods.com; Thornthwaite, Martin

Subject: Re: Orebaugh v. Experian, et al.

I can do it any of the available times next week. Len or kristi may be able to cover earlier.

Sent from my iPhone

On Sep 5, 2012, at 1:43 PM, "Michael R. Ward" <mward@morrismorris.com> wrote:

Counsel,

Judge Novak's chambers asked me to obtain dates/times for an Initial Pretrial Conference to be held by telephone. If you would like to attend, please let me know your available dates/times, and I'll inform chambers.

9/6 after 1:30

9/7 after 10:30

9/10 at 4:15

9/14 from 1:30 to 3:00.

Mike Ward

Michael R. Ward

Morris & Morris

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<Michael R Ward.vcf>

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